

Minnesota Pollution Control Agency

EI-1668

January 11, 2005

Ms. Nancy Radle
Minnesota Department of Transportation
395 John Ireland Boulevard
MS 620
St. Paul, MN 55155

RE: MNDOT BNSF North Track, Brainerd
MPCA Project Number VP19720
Limited No Action Determination for Soil

Dear Ms. Radle:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) program has been requested to provide a No Action Determination for releases identified at the Minnesota Department of Transportation (MNDOT) BNSF North Track property, located in Brainerd and Baxter, Minnesota. See Attachment B for Legal Description of property and Attachment C for a Site Locational Map; the highlighted lines represent the property boundaries (the Site).

The Site is a former railroad spur that is currently being used as road right of way and for extension of the Paul Bunyan State Trail. The Site resides on the northern side of the Burlington Northern Tie Plant Superfund Site, a former creosote railroad tie treating facility, and directly borders the Resource Conservation and Recovery Act (RCRA) permitted hazardous waste landfill. In addition, the Site extends across the northern edge of the former RCRA lagoon. Site soils and sludges in the former RCRA lagoon area were removed down to the water table and landfilled as part of the Superfund/RCRA cleanup activities.

The Site was acquired by MNDOT from the Burlington Northern Santa Fe Railway (BNSF) Company in order for re-alignment of Charles Street in the City of Baxter in conjunction with the reconstruction occurring on near-by Trunk Highway 210. Prior to MNDOT's purchase of the Site, BNSF investigated the Site. The investigation included installation of fourteen (14) push probe soil borings to encounter the water table or immediately below the water table. Soil and ground water samples were taken and analyzed for the following parameters: DRO, RCRA metals, Poly Aromatic Hydrocarbons (PAHs) and Volatile Organic Compounds (VOCs).

Diesel Range Organics (DRO) was detected in ground water from 2 separate locations at concentrations below the Minnesota Department of Health (MDH) Health Based Values. VOCs detected in soil samples included Acetone and Methylene Chloride; both are common laboratory contaminants and are not suspected to be related to past actions at the Site. The RCRA metals detected in soil were not elevated above naturally occurring background concentrations. Seven soil samples across the Site detected PAHs when analyzed. PAH contamination is common in an area formerly used

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as a railroad spur. For the purpose of this letter the identified release is PAH contamination in soil at the Site (Identified Release).

Based on a review of the information provided to the MPCA, a determination is hereby made to take no action with regard to the Identified Release; specifically, the MPCA staff will not refer the Identified Release to the U.S. Environmental Protection Agency for inclusion on the Comprehensive Environmental Response, Compensation and Liability Information System list, to the State Site Assessment staff for evaluation, or to the MPCA Commissioner for the placement of the Site on the Permanent List of Priorities.

This determination is subject to the following condition: a Construction Contingency Plan should be submitted to MPCA for review and approval prior to any development activities at the Site.

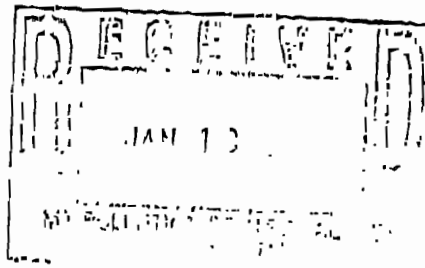
This determination is based solely on the results of the soil investigation conducted on the Site. Due to the lack of ground water information for the Site, this letter does not address any conclusions or representations regarding the future need for further investigation or response actions relating to ground water. If additional investigation work is conducted at the Site, the party conducting the investigation should consider including analysis for other parameters of concern such as GRO, SVOCs, and phenol.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein, including: development of a Construction Contingency Plan if the Site is to be developed. If you have any questions about the contents of this letter, please contact Project Manager, Amy Miller at 651-297-2758 or Hydrogeologist, Barb Gnabasik at 218-529-6266. You can also reach the MPCA at 800-657-3864.

Sincerely,

Barbara Jackson for

Douglas Beckwith
Supervisor
Superfund Unit #3
Remediation Division
DB:ais



Enclosure(s)

cc: Daniel Vogt, Administrative City Clerk, Brainerd
Douglas Morris, Crow Wing County Solid Waste Officer
Susan Johnson, MPCA Duluth Superfund

ATTACHMENT A
DISCLAIMERS
MNDOT BNSF North Track, Brainerd
MPCA Project Number VP19720

1. Reservation of Authorities

The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA Assumption of Liability

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Use or Development of the Property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer Regarding Investigative or Response Action at the Property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

ATTACHMENT B
LEGAL DESCRIPTIONS
MNDOT BNSF North Track, Brainerd
MPCA Project Number VP19720

Parcel 200 C.S. 1805 (210=2-30-5B)

All of the following:

That part of Lot 1, Block 28, Lots 1, 2, 3, 8 and 10, Block 30, Lots 3, 4, 6, 7, Block 32, Lot 4, Block 34, and vacated 8th Street, WEST BRAINERD, the South Half of the Southwest Quarter and Government Lot 7 of Section 4, the North Half of the Northeast Quarter of Section 8, the Northwest Quarter of the Northwest Quarter of Section 9, all in Township 133 North, Range 28 West, shown as Parcel 200 on Minnesota Department of Transportation Right of Way Plats Numbered 18-84, 18-86 and 18-87, as the same are on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota, and as said Plat No. 18-84 has been corrected by Certificate of Correction filed for record with said County Recorder on the 21st day of October, 2002, as Document no. 621065;

containing 5.16 acres, more or less, in the unplatted portion.

Parcel 200A C. S. 1805(210=2-30-5B)
S. P. 1805-63

All of the following:

That part of the Northwest Quarter of the Northeast Quarter, Section 8, Township 133 North, Range 28 West, shown as Parcel 200A on Minnesota Department of Transportation Right of Way Plat Numbered 18-86 as the same is on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota;

containing 0.32 acre, more or less.